

STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM

This comment and response form contains comments from the July 16, 2003 work session of the State Board of Education and from written testimony.

Topic: Professional Licensure and Standards

Meeting Date: September 3, 2003

Code Citation: N.J.A.C. 6A: 9

Level: Proposal Level

Division: Division of Educational Programs and Assessment

Completed by: Office of Licensure and Credentials, Office of Academic and Professional Standards

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from State Board members and from the public and the department's responses. Each commenter is identified at the end of the comment by a number, which corresponds to the following list:

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| 1. Arnold Hyndman, President
State Board of Education | 8. John Griffith, Member
State Board of Education |
| 2. Debra Casha, Vice President
State Board of Education | 9. Thelma Napoleon-Smith, Member
State Board of Education |
| 3. Margaret Bartlett, Member
State Board of Education | 10. Edward Taylor, Member
State Board of Education |
| 4. Ronald Butcher, Member
State Board of Education | 11. Roberta Van Anda, Member
State Board of Education |
| 5. Maud Dahme, Member
State Board of Education | 12. Thomas J. Bistocchi, EdD,
President
New Jersey Council of County
Vocational-Technical Schools |
| 6. Kathleen Dietz, Member
State Board of Education | |
| 7. Anne Dillman, Member
State Board of Education | 13. Thomas R. Jensen, PsyD
Freehold Regional High School |

14. Carolyn Reynolds, Executive Director
New Jersey Association of Family and Consumer Sciences.
15. S. Jay Kuder
Associate Provost for Research and Dean of the Graduate School
Rowan University
16. Nancy Lauter, Ed.D
Early Childhood Education
Montclair State University
17. Dr. Joseph Moore
Professor of History and Social Studies Education
Montclair State University
18. Earl. T. Kim
Superintendent of Schools
Verona Board of Education
19. Carolyn Torre, Director of Practice
N.J. State Nurses Association
20. Laura Bacon, School Nurse
21. Anne Carnegie, School Nurse
22. Mary de Stefano, School Nurse
23. Debra Kramer, School Nurse
24. Carol Kushner-Cohen, School Nurse
25. Roxsene Plafker, School Nurse
26. Laurie Rufalo, School Nurse
27. Doreen Terletzky, School Nurse
28. Betty Woodruff, School Nurse
29. Frank Joseph, President
Warren County School Counselor Association
30. Nancy Healy, Jersey City District Supervisor of Visual and Performing Arts
Alice Karamanol, Art Therapist/Art Educator
Cindy Lou Nelson, Art Therapist/Art Educator
Jersey City Public Schools
31. Geraldine Corvo
Middletown, NJ
32. Patricia Johnson, Superintendent
Middlesex Public Schools
33. Jennifer Langer
New Jersey CHARTER Public Schools Association
34. Susan Heinis, President
Educational Media Association of New Jersey
35. Kae Borab,
Susan Hamel,
Marilyn Maguire,
Kathrina Samar,
Bette Willins, Members
Association of Learning Consultants
36. Rita Wood, Family & Consumer Sciences Educator
37. Kathleen Babich, Registered Dietician/Nutritionist
38. Peter Merluzzi, Superintendent
Warren Hills Regional School District
39. Nancy Shakir, Teacher

40. Regina Swierc, President
Joint Council of County Special
Services School Districts

42. Patricia Johnson
Middlesex Public Schools

41. Jennifer Langer
N.J. Charter School Association

1. **Comment:** The commenter stated that his name should be removed from the list of commenters noted in comment no. 1 in the Comment and Response Form from the July 2, 2003 State Board meeting. The commenter noted that he supports the move to standards-based reform. (4)

Response: The Comment and Response Form for the July 2, 2003 State Board meeting will be amended to reflect the deletion of the commenter's name from the record.

2. **Comment:** The commenter expressed approval for the change in the code language at N.J.A.C. 6A:9-10.2(a)4 from requiring "a minimum of" 30 semester hour credits of instruction in professional preparation to "approximately" 30 credits. The commenter stated that using approximately 30 credits is much more appropriate than using a minimum or maximum number of credits. The commenter also stated that although the language in the current code (N.J.A.C. 6:11) says approximately 30 credits, the State Board of Education had adopted a resolution in the mid 1980's that "approximately" was to be interpreted as "not to exceed". However, this resolution is not binding as code cannot be changed through resolution. (4)

Response: Based on subsequent discussion with the State Board's Ad Hoc licensure committee, the language at N.J.A.C. 6A:9-10.2(a)4 has been changed to a range of 24 to 36 semester hour credits rather than using "approximately" or a "minimum of" 30 semester credit hours.

3. **Comment:** The commenter agreed with the deputy attorney general's oral advice that the code must differentiate between certificates and endorsements. The commenter asked whether the advice from the Attorney General would be received in the form of informal advice or a formal opinion. (2, 4)

Response: The department requested and has received a formal opinion from the Attorney General's office. Language has been changed throughout the code, where appropriate, to reflect the difference between certificate and endorsement.

4. **Comment:** The commenters supported the use of retired teachers as mentors at N.J.A.C. 6A:9-8.4(d)1i. (9, 10)

Response: The department appreciates the commenters support. Current research indicates that there are a number of factors that influence the retention rate of novice teachers. These factors include: a mentor; common planning time with teachers in the same teaching/content field; scheduled collaboration with other teachers on issue of instruction; participation in a network of teachers; and regular communication with the principal or department chair. In other words, there is no single element that enhances retention rates but, instead, a complex of factors related to collegial support by in-district staff. Therefore, if school districts provide for these varied opportunities, a mentor teacher who is retired could provide useful mentoring. For provisional teachers from the alternate route, there is a 20 day requirement for a clinical experience. The use of a retired teachers as mentors will ease the burden of districts to provide release time for practicing teachers.

5. **Comment:** The commenter asked if the professional standards are defined in the licensing code. (7)

Response: The Professional Standards for Teachers are defined in the proposed rules at N.J.A.C. 6A:9-3.3. The Professional Standards for School Leaders are delineated in N.J.A.C. 6A:9-3.4.

6. **Comment:** The commenters asked if there is a formalized process within the department for the review of proposed code which impacts on several units. (2, 5)

Response: It is customary for the division proposing new code to request input from other divisions in the department which may be impacted by the new code.

7. **Comment:** The commenter requested information about the Professional Standards for Teachers and the correlation of these standards to the Boyer Topics. (3)

Response: The Boyer Topics currently provide the basis of both traditional and alternate route professional teacher preparation. The Professional Standards for Teachers proposed at N.J.A.C. 6A:9-3.3 are aligned with the Boyer topics. In fact, the standards deal with the same teaching domains but provide greater specificity regarding the teacher knowledge and skills needed in each of these areas.

Boyer Topics

Curriculum and Evaluation

Professional Standards for Teachers

Standard One: Subject Matter Knowledge
Standard Three: Diverse Learning

Standard Four: Instructional Planning and Strategies

Standard Five: Assessment

Standard Seven: Special Needs

Classroom and School

Standard Six Learning Environment

Student Learning and Development Standard Two: Human Growth and Development

Standard Three: Diverse Learners

Standard Seven Special Needs

8. **Comment:** The commenter indicated that the Professional Standards for Teachers include all of the Boyer topics. The department is strengthening the alternate route, not replacing the Boyer topics. Furthermore, current research about the needs of the professional teachers across the continuum of practice from pre-service candidates to master teachers undergirds these standards. (4)

Response: The department agrees with the commenter. The Professional Standards for Teachers are aligned with the Boyer Topics.

9. **Comment:** The commenters requested clarification about the status of the original alternate route. The commenters were concerned that the new alternate route options available for teachers will result in the dissolution of the original alternate route program. This program has been extraordinarily successful and has attracted talented candidates to the teaching force in New Jersey. The State Board is committed to the continuation of the original alternate route. (1, 3, 6,7,11)

Response: The original alternate route initiative has been preserved in the new rules at N.J.A.C. 6A:9-8.3, both in purpose and structure. This program remains a vehicle in which to enhance the quality and quantity of candidates from which districts can choose to teach in their classrooms. School-based professionals provide support, supervision and evaluation to the novice alternate route teacher. Concurrently, the alternate route teacher receives instruction in the pedagogy identified as essential for beginning teachers at one of several regional training centers throughout the State. To date, more than 13,500 alternate route candidates have been recommended for standard certification through this program. The proposed new rules, however, have shifted the pedagogical studies from the Boyer Topics to the New Jersey Professional Standards for Teachers. This shift reflects the State's focus on professional standards to drive the improvement of instruction from pre-service preparation to certification to continuing professional development.

10. **Comment:** The commenter stated that he has received information from an educator at a New Jersey community college who has indicated his pleasure with

the availability of diverse options for entering the teaching profession. The community college and MAT options for completing certification requirements have opened avenues for candidates that will encourage candidates to become New Jersey teachers. (8)

Response: The department agrees that the additional options for completing certification requirements will allow districts and candidates that were unable to participate in the original alternate route to participate in the new options.

11. **Comment:** The commenter expressed concern that the proposed code will make it more difficult for a teacher who is certified to teach one subject to teach another subject without requiring additional preparation. (8)

Response: There is no change from the former code to the proposed code in a candidate's ability to add additional endorsements in other subject fields. If a candidate has completed the content preparation and the test requirement, he/she would be eligible for the additional endorsement and the endorsement would be issued when the candidate applied. The candidate would not be required to complete an additional provisional teaching year.

12. **Comment:** The commenter asked the basis for the approval of the MAT programs that have been approved. The commenter was concerned that the approval of these programs was precipitous because the proposed code has not been adopted. (3)

Response: The MAT programs and community college programs that have been approved have based their programs on the Boyer Topics. The Boyer Topics in the current code are the basis for all program approval. The new programs were not approved based on the proposed code.

13. **Comment:** The commenter asked that further clarification be provided about the issuance and revocation of county substitute certificates at N.J.A.C. 9-6.5. Where does the authority lie for these two functions? (2)

Response: This matter was referred to the State Board legal committee for review and discussion. As a result, new language was added to N.J.A.C. 6A:9-6.5(k) authorizing the county superintendent to rescind a county substitute credential. Following is the proposed new language:

(k) The county superintendent may rescind a county substitute credential at any time during the term of its validity for good cause shown, including, but not limited to, commission of offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1; or conduct inconsistent with employment in a school environment; or evidence that the holder did not meet the qualifications

for the credential at the time of issuance. Appeal of any such rescission shall be to the Commissioner pursuant to N.J.A.C. 6A:3.

14. **Comment:** The commenter was pleased that the emergency certificate will be limited to a maximum of three years as proposed in N.J.A.C. 6A:9-6.3(c). He is concerned that there will still be a large number of emergency certificates issued, especially in the endorsement of speech-language specialist. The commenter asked if the department has any long-term strategy to address this issue. The commenter further recommended that this issue be referred to the State Board of Education Ad Hoc code committee. (1)

Response: The department agrees that this issue should be referred to the Ad Hoc code committee for further review. It was the consensus of the Ad Hoc committee to retain the three year limitation. However, the issue of emergency certifications will continue to be reviewed by the committee.

15. **Comment:** The commenter noted that he is not concerned with the inclusion of the Professional Standards for Teachers in the proposed code at N.J.A.C. 6A:9-3.3. However, he is concerned with the lack of clarity on how these standards apply to entry-level teachers. The commenter further recommended that this issue be referred to the Ad Hoc code committee. (1)

Response: The department agrees that this issue should be referred to the Ad Hoc committee. As a result, proposed new language was added at N.J.A.C. 6A:9-3.1(d), as follows:

(d) The level of mastery of the professional standards for teachers and school leaders shall be on a continuum from pre-service and novice through veteran educator.

16. **Comment:** The commenter supported the proposed code presented at the June 4, 2003 State Board of Education meeting. The revised proposed code reflects requested changes that will provide a “substantial step forward for vocational-technical education in New Jersey.” However, the commenter recommended that it is important to establish very specific endorsements under each career cluster to ensure that vocational-technical teachers have the specialized training and experience needed to teach that occupation. This is important especially when seniority and bumping rights are activated. The commenter agreed that it would be cumbersome to list each endorsement under the career clusters and would restrict adding and deleting endorsements over time to respond to new and emerging occupations. However, the commenter recommends that language be added to the code at N.J.A.C. 6A:9-9.2(c) to correspond with the language at N.J.A.C. 6A:9-11.2(e). The commenter stated that this would ensure that readers of the code will understand that many specific endorsements will be issued under each career cluster. (12)

Response: The department appreciates the commenter's support regarding the proposed code. The department agrees with the commenter and proposes to amend N.J.A.C. 6A:9-9.2(c) as follows:

Teaching [certificates] endorsements in the career clusters listed below authorize the holder to teach in approved vocational-technical education programs and related courses in all public schools. They are grouped in the 16 career clusters recognized nationally and by the Department. The Commissioner shall approve a complete list of vocational-technical endorsements in consultation with representatives of affected statewide organizations. The list will identify the career cluster in which the endorsement falls.

17. **Comment:** The commenter supported the creation of separate endorsements for cooperative education coordinators at N.J.A.C. 6A:9-13.19 and 13.20 and the requirement for preparation in child labor laws and health and safety. However, the commenter expressed concern about the requirement for 30 hours of training in these areas. The commenter stated that this training can be delivered in fewer than 30 hours for each topic. The commenter further stated that requiring graduate training is completely unnecessary for a certified and experienced vocational-technical teacher. Finally, the commenter requested that the code should specify that coordinators will not accrue seniority of tenure in these positions to permit flexibility for the districts. **(12)**

Response: The department again appreciates the commenter's support. The department identified the number of hours for the training in child labor based on the length of programs required by the New Jersey Department of Labor. The hours that are recommended by the Child Labor Unit, Division of Wage & Hour, NJDO are as follows:

Wage and Hour Laws: 12 Hours (NJDOL will conduct training)
Wage Payment Laws: 6 Hours (NJDOL will conduct training)
Child Labor Laws: 12 Hours (NJDOL will conduct training)

The hours recommended for the training in safety and health have been recommended by the Environmental and Occupational Safety and Health Institute, the Department's consultant for school safety and health issues, and the Region II Office of the OSHA, are as follows:

Worksite Safety and Health Training: 10-hour OSHA General Certificate (OSHA will conduct training)
Prohibited Occupations/Equipment for Minors: 2 hours (EOHSI will conduct training)
The remaining hours will be dedicated to preparation in SLE learning plans and the integration into IEPs.

The department does not agree that the graduate study is unnecessary. The graduate study required for the coordinator endorsements were developed as an outcome of recommendations from department focus groups with representative stakeholders. Included in the requirement is the option for department approved programs that will provide this preparation. The department is researching such programs currently.

The department does not agree with the commenter regarding restriction of seniority or tenure rights for coordinators. Tenure is a matter of statute pursuant to N.J.S.A. 18A:28-5. It cannot be changed through regulations.

- 18. Comment:** The commenter noted the New Jersey Council of County Vocational-Technical Schools has recommended that the alternate route provide differentiated formal instruction programs for elementary, secondary subject area and vocational-technical teachers. The commenter agreed with the proposed code at N.J.A.C. 6A:9-8.3(d) that emphasizes that the shift from State-run to district-approved training programs. The commenter stated that this new emphasis will provide districts the flexibility needed to meet the unique needs of their teachers. **(12)**

Response: The department appreciates the commenter's support. However, the department recognizes that the proposed code does not represent a shift from the current code as referenced in N.J.A.C. 6:11-5.3(h). Since the inception of the provisional teacher program in 1985, the emphasis has been on State-approved district programs. However, few districts responded to this opportunity. The department is optimistic that this will become more prevalent among districts.

- 19. Comment:** The commenter expressed concern that N.J.A.C. 6A:9-9.2(b)2 permits the holder of the elementary endorsement to teach basic skills in grades six through 12. The commenter stated that this is contrary to the mandates of the No Child Left Behind Act in that elementary school teachers are not highly qualified to teach at the high school level. Nor should remediation at the high school level be considered basic. **(13)**

Response: The department appreciates the commenter's thoughtful assessment. The department is in the midst of revising the certification code while waiting direction from the Federal government on specific No Child Left Behind Act mandates and their application. The department will consider changing the authorization when we receive directives from the United States Department of Education specifically addressing the issue of basic skills.

- 20. Comment:** The commenter requested that the family and consumer sciences and business education endorsements be referenced specifically in N.J.A.C. 6A:9-9.2. Although standard nine, Career Education and Consumer, Family and Life Skills, has been included as a Core Curriculum Content Standards and is before the State Board of Education for consideration, the family and consumer sciences and the

business education endorsements are not listed in the proposed certification code. **(14, 31, 36, 37)**

Response: The department acknowledges that these endorsements are not listed specifically in the code. The department believes that these endorsements are subsumed under the 16 career clusters both under Standard Nine [N.J.A.C. 6A:9-3.3(a)9] and under the vocational-technical endorsement areas [N.J.A.C. 6A:9-9.2(c)].

The department will convene a focus group of affected stakeholders to develop a crosswalk of specific endorsements and their relationship to the career clusters. The commenter and a representative of the Business/Technology Education Association have agreed to participate in the development of this crosswalk.

- 21. Comment:** The commenter expressed concern that the regulations at N.J.A.C. 6A:9-10.2(a), (c) through (f) and N.J.A.C. 6A:9-11.3 will prohibit a candidate who wants to complete special education program from doing so during the undergraduate program. The regulations require 90 credits of the total program distributed among the general education, academic major, and behavioral/social science aspects of the program, a minimum of 30 credits in professional preparation aligned with the Professional Standards for Teachers and a minimum of 24 credits in the specialized pedagogy required to prepare special education teachers. It will be impossible for a college or university to develop a baccalaureate program to include these requirements. The commenter questioned if it would be possible to meet more than one requirement with a single course? Could a single course satisfy more than one requirement? **(15)**

Response: The department acknowledges that the language in which the code is written appears to require that all special education candidates for certification would need to complete a five-year certification program. The requirements would preclude a student from completing special education certification within a four-year program. That was not the intent of the code.

The department's intention was that colleges and universities would have flexibility. It was also the department's belief that specific courses could include study that fulfills multiple requirements.

The department proposes to add language in a new subsection at N.J.A.C. 6A:9-10.2(g) that will state clearly that dual programs are not only possible but are encouraged. The proposed new language will read as follows:

Colleges/universities may develop dual certification programs that incorporate the requirements listed in (a) and either (b), (c), (d), (e), or (f) above. Requirements may be completed through integrated study across the curriculum. When appropriate, coursework may serve to fulfill one or more of the curriculum

requirements listed in (a) through (f) above. Candidates shall be issued appropriate endorsements in the both endorsement areas.

Additionally, the number of required credit hours for special education endorsements at N.J.A.C. 6A:9-11.3(e)2 is proposed to be changed from a minimum of 24 credit hours to a range of 21 to 27 credit hours. The proposed new language will read as follows:

2. A New Jersey approved program at a college or university that includes a [minimum] range of 21 to 27 [24] credit hours of formal instruction in the following topics:
 - i. Philosophical, historical and legal foundations of special education;
 - ii. Characteristics of students with disabilities;
 - iii. Standardized and functional assessment;
 - iv. Strategies for the development of literacy;
 - v. Curriculum planning, learning environments, modifications and materials for students with disabilities;
 - vi. Inclusive education practices, positive behavioral supports, communication and collaborative partnerships;
 - vii. Assistive technology; and
 - viii. Transition planning, program development and agencies available for students with disabilities.

22. **Comment:** The commenter questioned why Preschool through Grade 3 teachers are treated differently from all other general classroom teachers. The commenter noted that all other teachers, once certified, need only to complete the required academic study and a test requirement to add additional endorsements on the instructional certificate. Preschool through Grade 3 teachers are required to complete an additional professional education program that includes as much as 12 credits and student teaching [N.J.A.C. 6A:9-10.2(b)].

This is inequitable for the Preschool through Grade 3 teacher. The commenter understood that the difference between the programs is the basis of the pedagogical study included in the program. Most instructional certificate programs are based on the Boyer Topics. The Preschool through Grade 3 programs are based on the National Association for the Education of Young Children (NAEYC) standards. However, the commenter believes that the Boyer Topics are fully covered in most early childhood education programs.

The commenter requested that parity be provided for all teachers and that discrimination against Preschool through Grade 3 teachers be addressed in the certification code.

The commenter also indicated that the grade levels for the elementary and preschool certificates should be changed to P-K, grades one through four and grades five through eight. The commenter believes these levels are more appropriate than those recommended in the code. **(16)**

Response: The department does not agree with the commenter's statement that the requirements at N.J.A.C. 6A:9-10.2(b) pose an inequity for Preschool through Grade 3 teachers that no other teacher experiences. The certified elementary school and subject area teachers cannot simply take a test and add either Preschool through Grade 3 or special education endorsements. The reason for this is that the department recognizes that there are distinct differences in the specialized pedagogy required for both the Preschool through Grade 3 and special education endorsements. These topics are not included in a generic teacher preparation program.

The department recognizes that it is possible for colleges and universities to develop dual programs that allow the preservice teacher to complete requirements for both Preschool through Grade 3 and elementary school endorsements. Several dual programs have been approved by the department and are currently available. Colleges are in a unique position to incorporate both the Boyer and the NAEYC topics in their programs. However, many Preschool through Grade 3 teachers have earned certification through the alternate route. The pedagogy taught in the modified alternate route is directed specifically at the early childhood education topics. These teachers have not had the opportunity to study the generic pedagogical topics.

The Preschool through Grade 3 endorsement was developed specifically to meet the demands of the Abbott preschool programs. The requirements reflect the direction provided by the New Jersey Supreme Court decision in Abbott.

The department had considered different configurations for the grade level authorizations of the elementary and preschool endorsements. However, the predominant response to changes in the grade levels was that overlap is essential across the endorsements. Therefore, the department will maintain the proposed configurations.

- 23. Comment:** The commenter recommended that anthropology should be included in the list of subjects included in the authorization for social studies endorsements. The commenter stated that study in anthropology will assist future teachers to world history/culture as part of the Core Curriculum Content Standards. His institution includes study in anthropology and world religions as a part of the university teacher preparation for social studies teachers. The commenter indicated that inclusion of anthropology at N.J.A.C. 6A:9-9.2(a)6ii will encourage other institutions to include this study also. **(17)**

Response: The department agrees that it is appropriate to include anthropology as one of the courses that a social studies teacher is authorized to teach. Therefore, the department proposes that the language at N.J.A.C. 6A:9-9.2(a)6ii be amended as follows:

Social studies: This [certificate] endorsement authorizes the holder to teach social studies in all public schools. Social studies includes American history, European history, world history, government, political science, sociology, geography, anthropology and economics.

24. **Comment:** The commenter expressed concern that the proposed rules at N.J.A.C. 6A:9-8.3 would fundamentally change the alternate route program requirements. More specifically, the commenter believed that added coursework and opportunities for state colleges to offer alternate route programs discourage interested candidates from entering the field. (18, 38, 39)

Response: The department has preserved the requirements of the alternate route programs. It also maintains the intent of this initiative by providing a means by which teaching candidates who did not complete an approved teacher preparation program culminating in student teaching may enter the field. The original or “conventional” alternate route program continues to require the novice teacher to receive support, supervision, and evaluation by school-based professionals and 200 hours of formal instruction in the essential pedagogy necessary for a successful first year of teaching. Additional alternate route college credit-based programs are available to expand the options made available to the potential novice teaching candidate. Rather than limit a candidate who may want to pursue teaching, the department offers rich and varied options from which to choose.

25. **Comment:** The commenter stated that the New Jersey State Nurses Association strongly urges the Department to include required study in mental health related to the school aged child in the course requirements for the school nurse certificate. (19)

Response: The Department agrees with the commenter’s concern but believes that this topic is included in several of the already required areas of study such as human growth and development, health assessment, fundamentals of substance abuse and dependency and special education and/or learning disabilities as delineated in N.J.A.C. 6A:9-13.3(b)1.

26. **Comment:** The commenter requested that an emergency certified school nurse be required to demonstrate matriculation in a school health certification program. (19)

Response: The Department agrees with the commenter. Therefore, the code at N.J.A.C. 6A:9-13.3(c) is proposed to be amended to preclude emergency

certificates for school nurses. This will prevent emergency certified school nurses from teaching health. Emergency certificates will be issued only for the school nurse/non instructional endorsement. The proposed amendment at N.J.A.C. 6A:9-13.3(c) follows:

An emergency certificate is not available for this endorsement [may be issued to a candidate who holds a bachelor's degree from a regionally accredited college or university and a current New Jersey registered professional nurse license and a current CPR/AED certificate. The candidate shall present evidence of study in public health nursing and human growth and development and verification of matriculation into a State- approved school nurse program. The study must appear on the transcript of a regionally accredited four-year college or university].

27. **Comment:** The commenter recommended that the new certificate for the school nurse/non instructional endorsement at N.J.A.C. 6A:9-13.4 be rescinded. The commenter believes that school nurses provide instruction continually each day, whether in the classroom or in the school nurse office. (19, 22, 23, 25,26,27, 28)

Response: The department does not agree with the commenter. School nurses do not need to complete student teaching to be effective in the school nurse office. Non-instructional school nurses will not be assigned to teach formal health classes. Many districts do not assign school nurses to teach health. These districts employ health teachers and health/physical education teachers to provide formal instruction in health education to meet the Core Curriculum Content Standards in comprehensive health and physical education. The department believes that there is a shortage of school nurses as evidenced by the number of emergency certificates issued each year, and this new certificate will provide options for districts, charter schools and private schools for students with disabilities.

28. **Comment:** The commenter requested that the school nurse/non-instructional certificate at N.J.A.C. 6A:9-13.4 be rescinded. PL 1999, Chapter 153 requires that a school district employ a certified school nurse to provide nursing services in the public schools. The proposed non-instructional certificate is a waiver and will compromise the level of school nursing services. This is in conflict with the referenced law. (20, 21, 24)

Response: The department disagrees. The certified school nurse/non-instructional will be well prepared and fully certified to provide nursing services in the public schools as mandated by PL 1999, Chapter 153. The holder of this certificate will be authorized to perform all school nursing functions. The holder will not be authorized to teach health as the assigned health teacher.

29. **Comment:** The commenter supported the change in the name of the Student Personnel Services endorsement to School Counselor at N.J.A.C. 9-13.8. The

commenter asked for clarification about the required master's degree for the certificate at N.J.A.C. 9-13.8(b). **(29)**

Response: The department appreciates the commenter's support for the endorsement name change. The master's degree required for this certificate can be in any field.

- 30. Comment:** The commenter expressed the desire that a new endorsement for creative art therapists be established. The commenter cited the award-winning art therapy program in the Jersey City School District. This program employs certified art teachers who also are art therapists and a music teacher who is also a music therapist. **(31)**

Response: The department is concerned about the need for this additional endorsement as students receive these services through the regular art curriculum.

- 31. Comment:** The commenter proposed changing the name of the elementary school with subject matter specialization to elementary school with subject matter specialization/middle level education. The commenter further proposed that the requirement for study in adolescent psychology be changed to "complete six hours of study specifically designed to address the psychological, social, emotional, and educational needs of the pre-adolescent/middle level student." **(32)**

Response: The department believes that the name of the endorsement, "elementary school with subject matter specialization" is appropriate for this endorsement. However, if experience proves otherwise, the department will consider an amendment.

The department agrees that the proposed language "study in adolescent psychology" is not sufficient to provide direction to programs that are being designed for this middle level endorsement. Therefore, the proposed language at N.J.A.C. 6A:9-11.11(a)2 has been changed as follows:

Complete study in the characteristics of young adolescents [psychology];

- 32. Comment:** The commenter expressed concern about the proposal at N.J.A.C. 6A:9-11.11(a)4 requiring a dual content major for those teachers teaching at the middle school level. The commenter believed that this would prevent the candidate with a single major from teaching at the middle school level. **(33)**

Response: The department assures the commenter that those candidates with single academic majors would not be precluded from teaching at the middle school level. Single subject majors have been included in the list of possible majors for the Elementary School with Subject Matter Specialization at N.J.A.C. 6A:9-11.11(a)4.

- 33. Comment:** The commenter expressed concern about the proposed requirement at N.J.A.C. 6A:9-11.10(a)2 that would require world language teachers to complete a course in second language acquisition. The commenter stated that this would adversely affect the pool of alternate route teachers who might be candidates for world language positions. The commenter believed that this knowledge could be achieved through workshops and seminars. **(33)**

Response: The department developed this requirement in response to alternate route world language teachers who advised the department that this information was not included in the formal instruction that alternate route teachers complete. These candidates further advised the department that this is a critical flaw in their preparation. The intent of the proposed new rule is that the candidate will complete the course/study prior to issuance of the standard certificate. This would not preclude the candidate from entering the classroom for initial teaching experience. The department is not opposed to working with providers who might present plans for workshops/seminars that would provide the necessary preparation.

- 34. Comment:** The commenter expressed disappointment that the department did not include a requirement for mentoring of new school library media specialists. EMAnj offered to be available to school districts to provide this informal mentoring and believes that unless this requirement is formalized in the code, districts will not participate. **(34)**

Response: The department is very interested in working with EMAnj to develop a viable, informal mentoring opportunity for new school library media specialists. However, the department does not believe that this should be included as requirements in the proposed new rules.

- 35. Comment:** The commenters stated their concerns that emergency certification would continue to be available for Learning Disabilities Teacher-Consultants with the adoption of the proposed code at N.J.A.C. 9-13.10(d). Although conditions have been placed on the issuance of emergency certificates, emergency certified Learning Disabilities Teacher-Consultants would be able to serve without direct supervision. **(35)**

Response: The department has proposed changes in the requirements for emergency certification in specific educational services endorsement areas to assure that totally untrained candidates would be unable to be certified. The requirements for the Learning Disabilities Teacher-Consultant endorsement are at N.J.A.C. 6A:9-13.10(d). Under the current rule, anyone that the district wants to hire can be issued an emergency certificate. The current rules do not require the basic bachelor's degree. The proposed rule requires significant preparation before the emergency certificate can be issued. The emergency certified candidate is under the direct supervision of a school district administrator. In many districts,

there is not an experienced, licensed Learning Disabilities Teacher-Consultant to provide the suggested mentoring.

36. **Comment:** The commenter supported the proposed requirement at N.J.A.C. 6A:9-10.2(a)2 that all new special education teachers should complete an academic major appropriate to the specific instructional field. However, the commenter questioned the proposed regulation at N.J.A.C. 6A:9-11.3(b)1 that requires a special education teacher to possess or be eligible for a standard or provisional instructional certificate specific to the instructional field or grade level. This requirement precludes new special education teachers from being offered employment until they have been hired to teach in a regular classroom. This would impact negatively on the availability of new special education teachers. The commenter suggested that this requirement be eliminated from the proposed new rules. (40)

Response: The department appreciates the commenter's support for the required academic major for special education teachers. The department disagrees with the commenter's contention that the requirement for a new special education teacher to hold or be eligible for an appropriate standard or provisional certificate in the subject or grade level to be taught in the special education setting will require that the new special education teacher be hired in a regular classroom. If a candidate for the special education endorsement is offered employment to teach classified students who are learning at an elementary level, the candidate would need to be eligible for a provisional elementary school endorsement and the special education endorsement. This would enable the candidate to hold the elementary special education certificates of eligibility to be offered employment.

The department believes that the proposed creation of an alternate route for special education teachers will expand significantly the pool of available candidates.

Further, the proposed certification code has incorporated the requirements of the Federal No Child Left Behind Act. By the 2005-2006 academic year, all teachers, including special educators, will be required to meet the "highly qualified teacher" definition. The proposed new rules will assure that all new teachers will meet the definition.

37. **Comment:** The commenter stated that the study requirements proposed at N.J.A.C. 6A:9-11.3(e), (f), (g) and (h) impose substantially more credits for the special educator than any other teacher. This will discourage many teacher candidates from pursuing special education programs. The commenter suggested that all teachers should be required to experience a common core of professional preparation that emphasizes special education topics. The commenter recognized that this is a major shift in policy and offered to work with the department in this process. (40)

Response: The department agrees that the requirements for special educators are substantially greater than for other teachers. The staff of the department is working with colleges that prepare teachers to develop dual majors that will incorporate the study requirements for special educators with those of all teachers. It is expected that all teachers can benefit from these integrated courses to be better prepared to teach all students including those students with disabilities.

The department welcomes the assistance of the commenter in working with college programs to develop appropriate programs.

- 38. Comment:** The commenter expressed concern that requiring candidates for administrator certification to obtain a Master's Degree in Educational Administration would restrict the numbers of individuals willing to pursue a career in school administration. **(38)**

Response: The department would like to clarify that even under the current regulations at N.J.A.C. 6:11-9 requires a master's degree in any field of leadership and management. However, the proposed new rules at N.J.A.C. 6A:9-12.4(a)1 present even more options for those interested in administration. The proposed degree requirement also includes a master's degree in curriculum and supervision. Additionally, there are alternate providers of formal instruction, other than graduate degree programs, for those individuals who hold content-area master's degrees.

- 39. Comment:** The commenter expressed concern that the standards for teachers at N.J.A.C. 6A:9-3.3 have replaced the Boyer Topics and believes that a high level panel of experts should be utilized to develop any alternative to the Boyer Topics. **(41)**

Response: The Standards for Teachers were developed by the Professional Teaching Standards Board in conjunction with a representative of the national consortium which developed the national Interstate New Teacher Assessment and Support Consortium (INTASC) standards of the Council of Chief State School Officers. The New Jersey standards for teachers have been reviewed by national experts to assure alignment with the national model which over 30 states have adopted or adapted. These standards were developed by a consortium of state experts working with national experts. It should also be pointed out that all of the topics of the Boyer Topics are covered in the new standards for New Jersey teachers.

- 40. Comment:** The commenter recommended that the phrase "at an age appropriate level" be added to N.J.A.C. 6A:9-3.3(a) in which the current language states that teacher preparation programs, district induction and professional development programs must align their learning opportunities with the teaching standards. **(42)**

Response: The learning opportunities described are intended for the teacher, not the students. It should be pointed out that the standards do address the needs of teachers to gear learning opportunities to the needs of students in terms of their developmental needs.

41. **Agency Initiated Change:** The department is proposing technical changes throughout the document for purposes of clarification and to correct typographical errors and cross-references of code that have new citations.

42. **Agency Initiated Change:** The department proposes to change the definition of “Accreditation” at N.J.A.C. 6A:9-2 to clarify that the accreditation process is conducted by organizations approved by the Commissioner. Following is the proposed new language:

“Accreditation” means [that] an institution that has a professional education unit and has completed successfully a review process by a national professional organization recognized by the Council on Higher Education Accreditation and approved by the Commissioner. The institution must meet [that has met] state, professional and institutional standards as determined by a review of its individual programs and overall capacity to prepare education professionals. This review is substantiated through a site visit to the institution by a team of education professionals trained to assess educator preparation programs.

43. **Agency Initiated Change:** The department proposes changing the definition of “certificate” at N.J.A.C. 6A:9-2 to reflect the fact that endorsements will still be a part of the certificates that the department issues. Following is the proposed new language:

“Certificate” means one of three types of credentials; instructional, educational services and administrative; that the [authorization the] Board of Examiners issues that permits an individual to serve as a teaching staff member. The Board will issue a separate [certificate] endorsement for each [subject area] field that falls under a specific type of certificate. The endorsement shall be considered part of that certificate. [Certificates no longer will include endorsements, although certificates with endorsements previously issued remain valid.]

44. **Agency Initiated Change:** The department proposes adding a definition for “endorsement” at N.J.A.C. 6A:9-2 since the practice of issuing endorsements to certificates is continued under this code. The new definition will read:

“Endorsement” means the specific subject area in which a certificate holder is authorized to serve.

45. **Agency Initiated Change:** In response to an opinion from the Attorney General, the department is proposing to change, where appropriate, to word “certificate” to “endorsement” throughout the entire chapter.

46. **Agency Initiated Change:** The department proposes adding new language at N.J.A.C. 6A:9-13.18(c) through(g) in order to create three specific educational interpreter endorsement to reflect the different methods of interpreting and the distinct skills required for each method. This was the recommendation of the focus group that worked with the department for several months. The failure to include this language in the first draft of the proposed new rules was an unintentional oversight. Including the new language in the proposed new rules corrects that oversight. Following is the proposed new language:

(c) To be eligible for the standard educational services certificate with an oral interpreting endorsement, a candidate shall complete the requirements below:

1. Have a high school diploma, a GED or an associate or higher degree;
2. Demonstrated interpreting skills as evidenced through the possession of an oral interpreting certificate from a Department-approved accrediting agency; and
3. Completion of fifteen semester hour credits of professional education coursework that includes study in child development, language development, curriculum development, interpreting for visually-impaired or blind students, legal and ethical issues for educational interpreters and methods of instruction. The study may be completed at an accredited two-year college.

(d) To be eligible for the standard educational services certificate with a cued speech transliteration endorsement, a candidate shall complete the following requirements;

1. Have a high school diploma, a GED or an associate or higher degree;
2. Demonstrated interpreting skills as evidenced through the possession of a cued speech transliteration certificate from a Department-approved accrediting agency; and
3. Completion of fifteen semester hour credits of professional education coursework that includes study in child development, language development, curriculum development, interpreting for visually-impaired or blind students, legal and ethical issues for educational interpreters and methods of instruction. The study may be completed at an accredited two-year college.

(e) An emergency educational interpreter certificate in sign language interpreting may be issued to a candidate who meets the academic degree

or diploma requirements at (b)1 or 2 above and has completed the EIPA with a minimum score of three.

(f) An emergency educational interpreter certificate in oral interpreting may be issued to a candidate who meets the academic degree or diploma requirements at (c)1 above and holds an oral interpreting certificate from a Department-approved accrediting agency.

(g) An emergency educational interpreter certificate in cued speech transliteration may be issued to a candidate who meets the academic degree or diploma requirements at (d)1 above and holds a cued speech transliteration certificate from a Department-approved accrediting agency.

47. Agency Initiated Change: The department has revised the language in Standard Nine of the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3(a)9 in order to conform to the federal requirements outlined in the No Child Left Behind Act and to emphasize the importance of parental involvement. Following is the proposed new language:

9. Standard Nine: Collaboration and Partnerships. Teachers shall build relationships with [school colleagues,] parents, guardians, families and agencies in the larger community to support students' learning and well-being.
 - i. Teachers know and understand:
 - (1) The importance of [school-family-community interaction] meaningful parent/family involvement in education in addressing the unique student needs and the perspectives to be gained from effective school/home interactions that contribute to high quality teaching and learning[of the unique needs and perspectives of the community];
 - (2) The role of the school within the community and how to utilize diverse partnerships to contribute to student learning and development; and
 - (3) How to collaborate with [other]all stakeholders regarding [the education] decision-making and the well-being of students while respecting student/family privacy and confidentiality.
 - ii. Teachers value and are committed to:
 - (1) Recognizing the role of parents, guardians and other family members as a child's primary teacher;
 - (2) Being concerned about all aspects of the student's well-being and working with [school partners] parents/families to provide diverse opportunities for student success; and

- (3) Being willing to work with parents/families and other professionals to improve the overall learning environment for students.
 - iii. Teachers engage in activities to:
 - (1) Identify and utilize family and community resources to foster student learning and provide opportunities for parents to share skills and talents that enrich learning experiences; [and]
 - (2) Establish respectful and productive relationships and to develop cooperative partnerships with diverse families, educators and others in the community in support of student learning and well-being; and
 - (3) Institute parent/family involvement practices that support meaningful communication, parenting skills, enriched student learning, volunteer and decision-making opportunities at school and collaboration to strengthen the teaching and learning environment of the school.
48. **Agency Initiated Change:** The department proposes deleting N.J.A.C. 6A:9-4.2(c) which allowed the Board of Examiners to issue county substitute credentials. County substitute credentials will be issued by the county superintendent.
49. **Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-5.15(c) to reflect the fact that the county superintendent will issue county substitute credentials to exchange teachers. Following is the proposed new language:
- (c) The district board of education shall request[, through]that the county superintendent[, that the Office] issue a county substitute [certificate] credential to the exchange teacher. The 20 day limitation pursuant to N.J.A.C. 6A:9-6.5(b) shall not apply to [such foreign] the exchange teacher[s] and the [foreign] exchange teacher is authorized to serve for the period of his or her temporary service in the State as an exchange teacher [employed in an experimental program].
50. **Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-6.3(b) so that emergency certificates are renewable only two times. This will avoid any mistaken assumption that an emergency certificate holder can acquire tenure. The department has also reorganized the regulation for purposes of clarity. Following is the proposed new language:

6A:9-6.3 Emergency certificate

- (a) An emergency certificate is a one-year substandard certificate issued only to educational services certificate candidates who meet the requirements specified for each[certificate] certificate.
- (b) A district board of education may apply to the county superintendent for an emergency certificate for a candidate in authorized educational services areas if it can demonstrate its inability to locate a suitable certified candidate due to unforeseen shortages or other extenuating circumstances. The county superintendent may approve the application if he/she determines that there are no suitable certified candidates available to fill the position.
- (c) The certificate is renewable annually up to a maximum of two times at the request of the district and approval of the county superintendent. Renewal is predicated upon demonstration of progress toward successful completion of coursework and tests required for issuance of a CE, CEAS or standard certificate. A candidate serving under an emergency certificate shall be employed under emergency certification for no more than a total of three years in any one educational services endorsement area regardless of the number of districts in which the candidate serves.
- [(b) The certificate is renewable annually up to a maximum of four years in areas of shortage in educational services as identified by the Department. Renewal is predicated upon demonstration of progress toward successful completion of coursework and tests required for issuance of a CE, CEAS or standard certificate.
- (c) A district board of education may apply for an emergency certificate for a candidate in authorized educational services areas if it can demonstrate its inability to locate a suitable certified teaching staff member due to unforeseen shortages or other extenuating circumstances. The county superintendent shall approve the application.]
- (d) An emergency certificate is valid for employment only in the district requesting the emergency certificate.

51. Agency Initiated Change: The department proposes changing N.J.A.C. 6A:9-6.5(a), (b) and c) to reflect the fact that county superintendents issue county substitute credentials. Following is the proposed new language:

6A:9-6.5 County substitute [certificate] credential

- (a) The county substitute [certificate] credential is issued by the county superintendent [pursuant to the authority of the Board of Examiners]. It is intended only for persons acting temporarily [performing the duties] in replacement of a fully certified and regularly employed teacher. The county superintendent may issue county substitute [certificates] credentials only when the supply of properly certified teachers is inadequate to staff the school. The person teaching under a county substitute [certificate] credential is not entitled to any accrued benefits, such as pension and tenure, to which a regularly employed teacher is entitled.
- (b) A candidate shall apply for a county substitute [certificate] credential to the county superintendent through the district board of education. The district board of education shall submit the candidate's application, official transcripts, signed and notarized oath of allegiance, academic credentials and appropriate fee pursuant to N.J.A.C. 6A:9-5.4(b)3 to the county superintendent for review and approval. [On behalf of the Board of Examiners, t]The county superintendent may issue a county substitute [certificate] credential to candidates who do not hold standard New Jersey certificates but who can present a minimum of 60 semester-hour credits completed at a regionally accredited college or university. The holder of the county substitute [certificate] credential pursuant to this subsection may serve for no more than 20 consecutive days in the same position in one school district during the school year.
- (c) The county superintendent shall not issue a county substitute credential until the candidate submits a criminal history qualification letter from the Department pursuant to N.J.S.A. 18A:6-7.1 et seq.

52. Agency Initiated Change: The department proposes changing N.J.A.C. 6A:9-6.6(d)4 to include language that would allow candidates for the limited certificate for foreign teachers to complete the state test requirement within the first six months of employment. Prior to this change, the candidate needed to complete the test requirement before applying for the certificate. That timeframe created logistical problems because foreign teachers often did not arrive in the United States until after the summer administration of the state test and prior to the fall administration of the test. Following is the proposed new language:

- 4. Completion of the Department-identified state test requirement appropriate to the subject to be taught within the first six months of employment. Except for those teachers who teach advanced level world language course, world language teachers are exempt from this requirement.

53. **Agency Initiated Change:** The department proposes adding a new rule at N.J.A.C. 6A:9-5.21, governing conditional certificates to teach world languages. The department added this new rule because, although the new rules eliminate the issuance of conditional certificates, current conditional certificate holders are entitled to a renewal of their certificates. This added rule will govern the terms of the renewal of the current conditional certificate holders. Following is the proposed new language:

6A:9-5.21 Conditional certificate to teach a world language

- a. A holder of a conditional certificate to teach a world language issued prior to the effective date of this chapter may renew the certificate for a maximum of four years. For renewal of the certificate, the candidate shall:
 1. Within 12 months of obtaining the initial conditional certificate, complete a minimum of three semester-hours credits in world language methodology offered by a regionally accredited four-year college or university; and
 2. Demonstrate progress toward meeting State requirements for standard certification within five years of the issuance of the initial conditional certificate.
- b. No new conditional certificates to teach a world language shall be issued as of the effective date of this chapter.

54. **Agency Initiated Change:** The department proposes amending N.J.A.C. 9-8.7(a) to decrease the timeframe in which building principals shall submit their final evaluation of provisional teaching candidates. Rather than 60 days after the conclusion of a State-approved district training program, the building principals will have 30 days in which to evaluate their provisional teachers. A 30 day period to complete the evaluations is ample time for making an informed recommendation for standard certification. Following is the proposed new language:

6A:9-8.7 Recommendation for certification of provisional teachers

- (a) Within [60] 30 days after the conclusion of the State-approved district training program, the building principal shall submit the final evaluation directly to the Secretary that shall contain a recommendation regarding standard certification for each provisional teacher.

55. **Agency Initiated Change:** The department proposes adding new language at N.J.A.C. 6A:9-10.3 to include the definition of a “cooperating teacher”. This section describes requirements for collegiate and district faculty assigned to supervise teacher candidates. The additional language will clarify both collegiate and district faculty responsibilities. The proposed new language is as follows:

- (c) District faculty assigned to supervise teacher candidates shall:
1. Be approved by the principal and district office with input from the teacher candidate's preparing institution of higher education;
 2. Have a minimum of three years of teaching experience, including one within the district;
 3. Possess a standard instructional certificate;
 4. Have appropriate certification that coincides with the area of instruction for which the candidate is being prepared; and
 5. Be a full-time district faculty member with demonstrated expertise in the field of mentoring/supervision.
- (d) District cooperating teachers shall provide continuous supervision and weekly conferences to assist teacher candidates in professional development. For purposes of this subsection, "cooperating teacher" means a practicing certified experienced teacher who is assigned responsibility for the instruction, supervision and assessment of teacher candidates during clinical field experiences
- (e) Institutions of higher education preparing teachers shall make available to the cooperating teachers professional development opportunities and experiences that increase cooperating teachers' expertise in the field.

56. Agency Initiated Change: The department proposes to include additional language for the requirements, standards and timelines for approval of professional education programs preparing educational personnel. Program rigor will be created by including the recognition of a national body within the accreditation process. In addition, it is essential that institutions of higher education be aware of the timelines and consequences related to non-compliance with the national accreditation requirement. The proposed new language at N.J.A.C. 6A:9-10.1(b)7 is as follows:

7. Obtain accreditation through the National Council for the Accreditation of Teacher Education, the Teacher Education Accreditation Council or any other national professional education accreditation body recognized by the Council on Higher Education Accreditation and approved by the Commissioner.
 - i. No later than May 1, 2004, institutions of higher education preparing professional educators shall declare to the Department

which national accreditation the college or university will be seeking;

- ii. No later than September 1, 2004, institutions of higher education preparing professional educators shall provide proof to the Department that they have obtained membership in the national accreditation organization.
- iii. No later than January 15, 2006, institutions of higher education preparing professional educators shall provide the Department with evidence of progress in the national accreditation process;
- iv. No later than January 2, 2009, institutions of higher education preparing professional educators shall have acquired national accreditation;
- v. Following the accreditation visitation, but no later than July 1, 2009, institutions of higher education preparing professional educators shall provide proof of their national accreditation recognition status to the Department;
- vi. Institutions of higher education preparing professional educators that fail to obtain national accreditation shall forfeit State approval to offer professional educator preparation programs leading to certification; and
- vii. The State shall withdraw approval for any institution of higher education preparing educational professionals that fails to meet the conditions in v and vi above.

57. **Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-17.1 to clarify which certificate holders are subject to the provisions of subchapter 17. Following is the proposed new language:

6A:9-17.1 Certificate holder

For purposes of this subchapter, the term certificate holder shall include all individuals who hold certificates, CEs and CEAS issued by the State Board of Examiners [certificate holders and county substitute certificate holders].

58. **Agency Initiated Change:** The department proposes to add language to N.J.A.C. 6A:9-17.2 specifying that the Board of Examiners may refuse certification to an unsuitable candidate for the reasons set forth in N.J.A.C. 6A:9-17.5. The cross reference was added to the regulation for purposes of clarity. The department also proposes to delete the reference to the Board of Examiners issuing a county substitute credential. Following is the proposed new language:

6A:9-17.2 Conduct barring candidate from certification

Notwithstanding that a candidate may meet all requirements for certification, the Board may refuse to issue a certificate [or county substitute certificate]to that candidate if, based on the record before it, the Board determines that, for the

reasons set forth in N.J.A.C. 6A:9-17.5, the candidate is not suitable for employment as a teaching staff member in the public schools.

- 59. Agency Initiated Change:** The department proposes revising N.J.A.C. 6A:9-17.3(b) to eliminate the reference to the Board of Examiners reviewing criminal history information for county substitute credential applications. Following is the proposed new language:

(b) The Board of Examiners shall review all information the candidate provides and determine whether the candidate's criminal history is such that he or she should not receive a certificate [or county substitute certificate]. In making its determination, the Board of Examiners shall consider the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., and whether the crime(s) or offense(s) would be disqualifying under N.J.S.A. 18A:6-7.1 et seq.

- 60. Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-17.4(a)2 to eliminate the reporting requirement for chief school administrators with regard to county substitute certificate holders. Following is the proposed new language:

6A:9-17.4 District reporting responsibility

(a) The chief school administrator of a district shall notify the Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
2. Nontenured teaching staff members [or holders of county substitute certificates] who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;

- 61. Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-17.5 to eliminate the reference to the Board of Examiners revoking a county substitute certificate. Following is the proposed new language:

6A:9-17.5 Grounds for revocation and suspension of certification

The Board of Examiners may revoke or suspend the certificate(s) of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher, or other just cause. Other just cause shall include, but not be limited to, offenses within the terms of the forfeiture statute, N.J.S.A. 2C:51-2, or the disqualification statute, N.J.S.A. 18A:6-7.1. The Board of Examiners may revoke or suspend a certificate [or county substitute certificate] upon evidence that the holder did not meet the qualifications for the certificate at the time of

issuance or no longer satisfies the criteria set forth in N.J.A.C. 6A:9-4.1(a). The Board of Examiners shall not revoke or suspend a certificate[or county substitute certificate] without providing the holder an opportunity to be heard pursuant to N.J.A.C. 6A:9-17.6.

- 62. Agency Initiated Change:** The department proposes adding new language at N.J.A.C. 6A:9-17.7(i) to preclude issuance of a new certificate to a certificate holder that is pending action before the Board of Examiners regarding revocation or suspension of his or her certificate(s). The proposed new language follows:

(i) The Office may refuse to issue a new certificate to a certificate holder who is otherwise eligible for the additional certificate if the certificate holder is the subject of a pending action to revoke or suspend his or her certificate(s) pursuant to N.J.A.C. 6A:9-17.7.

- 63. Agency Initiated Change:** The department proposes adding new language at N.J.A.C. 6A:9-17.10(c)7 to clarify that the Board of Examiners shall not issue a new certificate to individuals who relinquish their certificates pursuant to a court order, plea bargain, pre-trial intervention agreement or settlement of a tenure proceeding. The proposed new language follows:

6A:9-17.10 Application for certification after revocation

(c) Notwithstanding the provisions of (b) above, the Board of Examiners shall not issue a new certificate to any candidate who is:

1. Ordered to forfeit certification as part of a settlement in a tenure or criminal proceeding;
2. Barred from teaching again in the state of New Jersey by order of a court of competent jurisdiction;
3. Ordered to forfeit certification as part of a plea bargain;
4. Ordered to forfeit certification as a condition for entrance into a pre-trial intervention program as set forth in Rule 3.28 of the New Jersey Court Rules;
5. Ordered to forfeit certification pursuant to a sentence imposed in a criminal proceeding; [or]
6. Barred from teaching for any reason; or
7. Relinquishing his or her certificate pursuant to N.J.A.C. 6A:9-17.11.

- 64. Agency Initiated Change:** The department proposes adding language to N.J.A.C. 6A:9-17.11(d) (with a recodification of subsequent subsections) indicating that the Board of Examiners must vote to accept relinquishment of an individual's certificates. Following is the proposed new language:

6A:9-17.11 Relinquishment of certificate without Order to Show Cause

- (a) The Board of Examiners may accept the relinquishment of all certificates held by an individual without issuance of an order to show cause:

1. Pursuant to a criminal conviction when the court orders the certificate holder to relinquish his or her certificate(s) as part of a sentence;
2. Pursuant to a plea or pre-trial intervention agreement resulting from the institution of criminal proceedings against the certificate holder and which requires the holder to relinquish his or her certificate(s); or
3. Pursuant to a settlement of a tenure proceeding that requires the certificate holder to relinquish his or her certificate(s).

- (b) When accepted by the Board of Examiners, the relinquishment of certificates as provided in (a) above shall have the force and effect of a revocation including, but not limited to, the notification requirements in N.J.A.C. 6A:9-17.8(b).

- (c) The individual seeking to relinquish a certificate(s) must submit an affidavit to the Board of Examiners stating that the certificate holder:

1. Is relinquishing all certificates held by the individual;
2. Is waiving the right to a hearing pursuant to N.J.A.C. 6A:9-17.7 and agrees not to institute proceedings concerning the relinquishment in any forum; and
3. Understands that the relinquishment has the force and effect of a revocation with its attendant consequences.

- (d) The Board of Examiners shall vote on whether to accept the certificates. If the Board of Examiners votes to accept the relinquishment, the revocation shall be effective as of the date of the Board of Examiners' vote.

- ~~[(d)]~~(e) The certificate holder shall return all certificates to the Board of Examiners.

- ~~[(e)]~~(f) Individuals who relinquish their certificates pursuant to this section may not apply for certification in the future.

65. **Agency Initiated Change:** The department proposes adding new language to N.J.A.C. 6A:9-17.12 (with a recodification of subsequent subsections) indicating that the Board of Examiners must vote to accept the voluntary surrender of a certificate holder's certificate(s). The department also proposes to revise the rules to require that an individual who has voluntarily surrendered a certificate may not apply for that certificate for three years. Moreover, candidates who reapply for a certificate are subject to the rules in effect at the time of the new application. Following is the proposed new language:

6A:9-17.12 Voluntary surrender of certificates

- (a) An individual may voluntarily surrender a certificate if he or she has not been employed under that certificate in the 10 years preceding the proposed surrender and if he or she satisfies the following conditions:
 - 1. The individual shall submit an affidavit to the Board of Examiners stating that he or she is surrendering the certificate voluntarily, and not under the conditions set forth in N.J.A.C. 6A:9-17.11;
 - 2. The individual shall submit an affidavit setting forth his or her employment history for the 10 years preceding the voluntary surrender, including official documentation from a school official, if applicable; and
 - 3. The individual shall submit an affidavit stating that he or she has not been employed under the certificate(s) at issue in the 10 years preceding the voluntary surrender.
- (b) The certificate holder shall return the original certificate(s) at issue to the Board of Examiners.
- (c) The Board of Examiners shall review the application for a voluntary surrender. If the Board of Examiners votes to accept the surrender, the certificate shall be deemed as of the date of the Board of Examiners' vote.
- [(c)](d) Individuals who voluntarily surrender a certificate may not apply for that certificate for [five] three years from the effective date of the voluntary surrender. Candidates are subject to the certification requirements in effect at the time the new application is submitted.

66. **Agency Initiated Change:** The department proposes changing N.J.A.C. 6A:9-17.23 to reflect which Board of Examiners decisions are appealable to the State Board. Following is the proposed new language:

6A:9-17.23 Appeal of Board of Examiners decisions

A party shall appeal adverse revocation and suspension [Board of Examiners] decisions to the State Board in accord with N.J.A.C. 6A:4. A party shall appeal all other Board of Examiners decisions to the Commissioner of Education pursuant to N.J.A.C. 6A:3.

- 67. Agency Initiated Change:** The comment and response form presented at the June 18, 2003 State Board of Education work session listed two commenters incorrectly. The form has been corrected to show the following:

- 96. Josephine Khare Lojius, President
Association of Learning Consultants
- 98. Sue Goldman
New Jersey Association of Speech Language Specialists